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July 21, 2010

VIA U.S. MAIL, FACSIMILE (281-431-1298), & E-MAIL (wattstrial@gmail.com)

Larry Watts
P.O. Box 2214
Missouri City, Texas 77459

Re: *Edith Palos v. University of Texas Health Science Center at Houston*, Cause No. 4:09-CV-02798; United States District Court, Southern District of Texas

Dear Mr. Watts:

I write regarding the deposition of your client, Plaintiff Edith Palos, which was scheduled for today, July 21, pursuant to the Notice of Deposition served on July 1. I received a telephone call and email from your paralegal yesterday afternoon informing me that you were cancelling the deposition because you were in "trial" in an administrative proceeding before the Texas Education Association, which would continue through July 21. I requested an alternate date for the deposition, and your paralegal agreed to August 6, although she stated she would need to confirm that date with you when she speaks with you later this week.

Thus, enclosed please find an Amended Notice of Deposition for Ms. Palos for August 6. If I have not heard from you by close of business on July 23, I will presume that this date works for you and your client.

Moreover, I question why you waited until the day before the deposition to cancel, as it seems clear that you were well aware of this scheduling conflict before yesterday. Indeed, in your motion to extend the deadline to designate experts that you filed on July 19 (Dkt. # 12), you stated that you had been busy preparing for a three-day administrative proceeding before the Texas Education Association. If you knew this proceeding would continue for three days through July 21, you also knew that you would be precluded from attending a deposition that same day. And yet you also told the Court in your motion that you also were busy preparing for Ms. Palos's upcoming deposition.

In any event, should you and your client fail to attend the deposition on August 6, or should you again cancel the deposition on such short notice, I will be left with no choice but to move to compel attendance and to seek both sanctions under Rules 30(d)(2) and 37(d)(1)(A) and costs for bringing such a motion under Rule 37(a)(5)(A).

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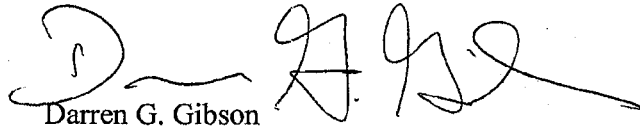
EXHIBIT

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Larry Watts
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Please feel free to contact me directly to discuss this matter further.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Gibson', with a long horizontal flourish extending to the right.

Darren G. Gibson
Assistant Attorney General

Enclosures

cc: David E. Jenkins, Esq.